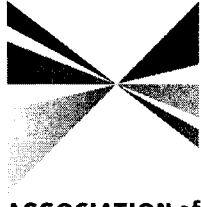


SOUTHERN CALIFORNIA



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Robin Lowe, Hemet

**Ventura County Transportation Commission:**  
Keith Millhouse, Moorpark

5/26/05

## MEETING OF THE

# SOLID WASTE TASK FORCE

### NOTE: NEW TIME & MEETING ROOM

**Thursday, September 22, 2005**

**Riverside A Conference Room**

**1:00 – 3:00 p.m.**

**Located at:**

**SCAG MAIN OFFICE**

**818 West Seventh Street, 12<sup>th</sup> Floor**

**Los Angeles, CA 90017**

**(213) 236-1800**

If members of the public wish to review the attachments or have any questions on any of the agenda items, please contact Jacob Lieb at 213.236.1921 or [lieb@scag.ca.gov](mailto:lieb@scag.ca.gov).

SCAG, in accordance with the Americans with Disabilities Act (ADA), will accommodate persons who require a modification of accommodation in order to participate in this meeting. If you require such assistance, please contact SCAG at (213) 236-1868 at least 72 hours in advance of the meeting to enable SCAG to make reasonable arrangements. To request documents related to this document in an alternative format, please contact (213) 236-1868.



# SOLID WASTE TASK FORCE AGENDA

September 22, 2005  
12:00 p.m. to 2:00 p.m.

PG#

## 1.0 CALL TO ORDER

Hon. Toni Young,  
Chair

## 2.0 PUBLIC COMMENT PERIOD

*Members of the public desiring to speak on an agenda time or items not on the agenda, but within the purview of this task force, must notify the Chair and fill out a speaker's card prior to speaking. Comments will be limited to three minutes and the Chair may limit the total time for comments to 20 minutes.*

## 3.0 ROUTINE ITEMS

### 3.1 MEMBERSHIP LIST AND CONTACT INFORMATION Attachment

4

### 3.2 MEETING MINUTES June 23, 2005 MEETING Attachment

6

## 4.0 INFORMATION ITEMS

### 4.1 Legislative Discussion on Pending Bills

Hon. Toni Young  
Chair

#### 4.1.1. AB 1090, AB 1351 and other State Legislation Attachment

8

#### 4.1.2 SB 1607, HR 3577 and other Federal Legislation Attachments

24

# **SOLID WASTE TASK FORCE AGENDA**

**September 22, 2005  
12:00 p.m. to 2:00 p.m.**

## **5.0 ACTION ITEMS**

### **5.1 Regional Comprehensive Plan Draft Solid and Hazardous Waste Chapter Attachment**

**Hon. Toni Young  
Chair**

**37**

#### **Recommendation:**

Provide Recommendations

## **6.0 SET NEXT MEETING DATE/TIME/LOCATION**

**Hon. Toni Young,  
Chair**

## **7.0 ADJOURNMENT**

# **SOLID WASTE TASK FORCE AGENDA**

**September 22, 2005  
12:00 p.m. to 2:00 p.m.**

**Item 3.1  
MEMBERSHIP LIST AND CONTACT INFORMATION  
July 13, 2005**

# SOLID WASTE TASK FORCE AGENDA

July 13, 2005

12:00 p.m.-1:30 p.m.

Name	Address	Phone	Fax	e-mail
Clark, Margaret	Hon. Margaret Clark 3109 N. Prospect Rosemead, CA 91770	(626) 569-2100	(626) 307-9218	bcrowe@cityofrosemead.org
Eckenrode, Norman	Hon. Norman Eckenrode Councilmember, City of Placentia 401 E. Chapman Ave. Placentia, CA 92870	(714) 993-8261	(714) 961-0283	neckenrode@adelphia.net
Martin, Kay	Ms. Kay Martin Vice President, BioEnergy Producers Assn. 236 Ferro Drive Ventura, CA 93001	(805) 653-5935		kay4bioenergy@aol.com
Miller, Michael	Hon. Michael Miller Mayor, City of West Covina 1444 W. Garvey Ave. West Covina, CA 91793	(939) 814-8400	(939) 814-8406	millerevtron@earthlink.net
Mohajer, Mike	Mr. Mike Mohajer P.O. Box 3334 Box 1460 San Dimas, CA 91773	(909) 592-1147	(909) 592-1147	mikemohajer@yahoo.com
Nelson, Larry	Hon. Larry Nelson Councilmember, City of Artesia 18747 Clarkdale Ave Artesia, CA 90701-5899	(562) 865-6262	(562) 865-6240	lnelson@cityofartesia.org
Smith, Greig	Hon. Greig Smith Councilmember, City of Los Angeles – District 12 200 N. Spring Street, 4th FL Room 405 Los Angeles, CA 90012	(213) 473-7012	(213) 473-6925	smith@council.lacity.org
Van Arsdale, Lori	Hon. Lori Van Arsdale Councilmember, City of Hemet 445 E. Florida Ave Hemet, CA 92543	(951) 765-2303	(951) 765-3785	lvansardsale@ci.hemet.ca.us
Vizcarra, Joe	Mr. Joe Vizcarra Lt. Traffic Operations Center Los Angeles Communications Center California Highway Patrol 120 S. Spring Street Los Angeles, CA 90012	(213) 897-6136	(213) 897-0519	jvizcarra@chp.ca.gov
Young, Toni (Chair)	Hon. Toni Young Councilmember, City of Port Hueneme 766 Polaris Way Port Hueneme, CA 93041-2333	(805) 986-6500	(805) 986-6581	ottoandtoni@verizon.net

# **SOLID WASTE TASK FORCE AGENDA**

**July 13, 2005**

**12:00 p.m.-1:30 p.m.**

**Item 3.2**

**MINUTES, JUNE 23 MEETING**

**July 13, 2005**

# **SOLID WASTE TASK FORCE AGENDA**

**September 22, 2005  
12:00 p.m to 2:00 p.m.**

<p><b>THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE SOLID WASTE TASK FORCE.</b></p>
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## **1.0 CALL TO ORDER**

**Chair Toni Young called the meeting to order at approximately 12:00 PM. Attending members were:**

**Clark, Margaret  
Eckenrode, Norm  
Young, Toni (Chair)**

## **2.0 PUBLIC COMMENT PERIOD**

**There were no comments from the public.**

## **3.0 ROUTINE ITEMS**

**3.1 Membership List and Contact Information**

**3.2 Minutes of June 23, 2005 Meeting  
Minutes were approved without objection**

## **4.0 INFORMATION ITEMS**

**4.1 Legislative Discussion on June 22 trip to Sacramento**  
Councilmember Young reported on discussions held during the SCAG Legislative Day in Sacramento on June 22. Of note, Councilmember Young met with Kip Lipper, of Senator Perata's staff, regarding AB 939 and AB 1090. Councilmember Young will hold further discussions with Mr. Lipper regarding AB 939 and the need allow credit for conversion technologies.

## **5.0 ACTION ITEMS**

**5.1 Regional Comprehensive Plan Draft Solid Waste Chapter**  
The Task Force was made aware that Mike Mohajer had provided numerous comments on the chapter in writing. Councilmember Young will circulate the comments to the other members of the Task Force.

**ACTION: It was agreed that staff will work with Mr. Mohajer to incorporate his comments, without objection.**

# **SOLID WASTE TASK FORCE AGENDA**

**September 22, 2005  
12:00 p.m to 2:00 p.m.**

## **6.0 SET NEXT MEETING DATE/TIME/PLACE**

The next meeting will be held at SCAG on Wednesday July 13 at 10 a.m.

## **7.0 ADJOURNMENT**

The meeting was adjourned at approximately 12:30 p.m.



# **SOLID WASTE TASK FORCE AGENDA**

**September 22, 2005  
12:00 p.m to 2:00 p.m.**

**Item 4.1**

**LEGISLATIVE DISCUSSION ON PENDING BILLS  
September 22, 2005**

**ASSEMBLY BILL**

**No. 1090**

**Introduced by Assembly Member Matthews**

February 22, 2005

---

An act to amend Sections 40051 and 40201 of, to add Sections 40105.5, 40116.5, 40172.5, and 41781.3 to, and to repeal Section 40117 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1090, as introduced, Matthews. Solid waste: diversion: conversion.

The existing California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board and requires the board and local agencies to promote specified waste management practices, in order of priority. Under existing law, the act requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. The first and each subsequent revision of the element is required to divert 50% of the solid waste subject to the element, on and after January 1, 2000, through source reduction, recycling, and composting activities. except as specified.

The act defines the term "transformation" as meaning incineration, pyrolysis, distillation, or biological conversion other than composting. The act provides that "transformation" does not include composting, gasification, or biomass conversion.

This bill would revise the waste management practices that the board and local agencies are required to promote.

The bill would repeal the definition of the term "gasification" and would define the terms "conversion technology," "beneficial use," and

“recovery” for purposes of the act. The bill would revise the definition of the term “transformation” to exclude pyrolysis, distillation, or biological conversion other than composting from that definition and would specify that transformation does not include conversion technology.

The bill would allow the source reduction and recycling element to include, in the 50% of solid waste required to be diverted, solid waste that is subject to recovery through conversion technology, if specified conditions are met with regard to the conversion technology project and the board holds a public hearing and makes certain findings.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 40051 of the Public Resources Code is
- 2 amended to read:
- 3 40051. In implementing this division, the board and local
- 4 agencies shall do both of the following:
- 5 (a) Promote the following waste management practices in
- 6 order of priority:
- 7 (1) Source reduction.
- 8 (2) ~~Recycling and composting~~ *Recovery, through recycling,*
- 9 *composting, conversion technology, or other beneficial use*
- 10 *technologies.*
- 11 (3) Environmentally safe transformation and environmentally
- 12 safe land disposal, at the discretion of the city or county.
- 13 (b) Maximize the use of all feasible source
- 14 reduction, ~~recycling, and composting~~ *and recovery* options in
- 15 order to reduce the amount of solid waste that must be disposed
- 16 of by transformation and land disposal. For wastes that cannot
- 17 feasibly be reduced at their source, ~~recycled, or composted, or~~
- 18 *recovered for beneficial use*, the local agency may use
- 19 environmentally safe transformation or environmentally safe land
- 20 disposal, or both of those practices.
- 21 SEC. 2. Section 40105.5 is added to the Public Resources
- 22 Code, to read:
- 23 40105.5. “Beneficial use” means the point at which solid
- 24 waste is no longer a solid waste for purposes of this chapter and
- 25 reenters commerce as a market commodity or feedstock. For

1 purposes of this section, that point occurs when the solid waste is  
2 used in a manufacturing process to make a product, used as an  
3 effective substitute for a commercial product, or used as a fuel  
4 for energy recovery.

5 SEC. 3. Section 40116.5 is added to the Public Resources  
6 Code, to read:

7 40116.5. (a) "Conversion technology" means the processing,  
8 through noncombustion thermal, chemical or biological  
9 processes, other than composting, of solid waste, including, but  
10 not limited to, organic materials such as paper, yard trimmings,  
11 wood wastes, agricultural wastes, and plastics.

12 "Conversion Technology" includes, but is not limited to,  
13 catalytic cracking, distillation, gasification, hydrolysis, and  
14 pyrolysis.

15 (b) "Conversion Technology" does not include anaerobic  
16 digestion, biomass conversion, aerobic or anaerobic composting,  
17 or incineration.

18 (c) "Conversion technology facility" means a facility that  
19 produces products, using conversion technology, including, but  
20 not limited to, electricity, alternative fuels, chemicals, or other  
21 products that meet quality standards for use in the marketplace.

22 SEC. 4. Section 40117 of the Public Resources Code is  
23 repealed.

24 ~~40117. "Gasification" means a technology that uses a~~  
25 ~~noncombustion thermal process to convert solid waste to a clean~~  
26 ~~burning fuel for the purpose of generating electricity, and that, at~~  
27 ~~minimum, meets all of the following criteria:~~

28 ~~(a) The technology does not use air or oxygen in the~~  
29 ~~conversion process, except ambient air to maintain temperature~~  
30 ~~control.~~

31 ~~(b) The technology produces no discharges of air contaminants~~  
32 ~~or emissions, including greenhouse gases, as defined in~~  
33 ~~subdivision (g) of Section 42801.1 of the Health and Safety~~  
34 ~~Code.~~

35 ~~(c) The technology produces no discharges to surface or~~  
36 ~~groundwaters of the state.~~

37 ~~(d) The technology produces no hazardous waste.~~

38 ~~(e) To the maximum extent feasible, the technology removes~~  
39 ~~all recyclable materials and marketable green waste compostable~~  
40 ~~materials from the solid waste stream prior to the conversion~~

1 ~~process and the owner or operator of the facility certifies that~~  
2 ~~those materials will be recycled or composted.~~

3 ~~(f) The facility where the technology is used is in compliance~~  
4 ~~with all applicable laws, regulations, and ordinances.~~

5 ~~(g) The facility certifies to the board that any local agency~~  
6 ~~sending solid waste to the facility is in compliance with this~~  
7 ~~division and has reduced, recycled, or composted solid waste to~~  
8 ~~the maximum extent feasible, and the board makes a finding that~~  
9 ~~the local agency has diverted at least 30 percent of all solid waste~~  
10 ~~through source reduction, recycling, and composting.~~

11 SEC. 5. Section 40172.5 is added to the Public Resources  
12 Code, to read:

13 40172.5. "Recovery" means the reuse, recycling, and  
14 extraction of materials and energy from solid waste, including,  
15 but not limited to, recycling, composting, and conversion  
16 technology.

17 SEC. 6. Section 40201 of the Public Resources Code is  
18 amended to read:

19 40201. "Transformation" means *the* incineration, ~~pyrolysis,~~  
20 ~~distillation, or biological conversion other than composting or~~  
21 ~~combustion of solid waste in an oxygen-rich environment.~~  
22 "Transformation" does not include composting, ~~gasification, or~~  
23 biomass conversion, *or conversion technology.*

24 SEC. 7. Section 41781.3 is added to the Public Resources  
25 Code, to read:

26 41781.3. For any city, county, or regional agency source  
27 reduction and recycling element submitted to the board after  
28 January 1, 1995, the element may include, in the 50 percent of  
29 solid waste required to be diverted, as specified in paragraph (2)  
30 of subdivision (a) of Section 41780, solid waste subject to  
31 recovery through conversion technology, if all of the following  
32 conditions are met:

33 (a) The conversion technology project is in compliance with  
34 all applicable laws, regulations, and ordinances.

35 (b) The board holds a public hearing in the city, county, or  
36 regional agency jurisdiction within which the conversion  
37 technology project is proposed, and, after the public hearing, the  
38 board makes all of the following findings, based upon substantial  
39 evidence in the record:

- 1 (1) The jurisdiction will continue to implement the recycling  
2 and diversion programs in the jurisdiction's source reduction and  
3 recycling element or its modified annual report.
- 4 (2) The facility complements the existing recycling and  
5 diversion infrastructure and is converting solid waste that was  
6 previously disposed.
- 7 (3) The facility maintains or enhances environmental benefits.
- 8 (4) The facility maintains or enhances the economic  
9 sustainability of the integrated waste management system.

O

AMENDED IN SENATE JULY 7, 2005

AMENDED IN SENATE JUNE 27, 2005

AMENDED IN ASSEMBLY APRIL 28, 2005

AMENDED IN ASSEMBLY APRIL 13, 2005

california legislature 2005 06 regular session

ASSEMBLY BILL

No. 1351

Introduced by Assembly Member Vargas

February 22, 2005

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An act to amend ~~Section 11340.5 of, and to add Section~~ 11340.5, 11346.1, and 11349.6 of, and to add Sections 11342.545 and 11342.620 to, the Government Code, relating to state agencies.

legislative counsel digest

AB 1351, as amended by Vargas Office of Administrative Law: regulations.

Existing law prohibits a state agency from issuing, utilizing, enforcing, or attempting to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, unless it has been adopted as a regulation and filed with the Secretary of State. Under existing law, if the Office of Administrative Law is notified, or learns on its own, that an agency guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has not been adopted as a regulation and filed with the Secretary of State, the office may issue a determination as to whether it is a regulation. Existing law also authorizes any interested person to obtain a judicial declaration as to the validity of any regulation.

This bill would provide that any guideline, criterion, bulletin, provision in a manual, instruction, order, standard of general application, or other rule that is a regulation but is not adopted as a regulation and filed with the Secretary of State constitutes an underground regulation and would establish a procedure for any interested person with information that a state agency has issued, used, enforced, or attempted to enforce an underground regulation to petition ~~Office of Administrative Law~~ for a determination that this agency action is an underground regulation. It would require the office, within 30 days after receiving a petition, to decide whether or not to consider the petition on its merits and would make this decision not subject to judicial review. It also would provide that, if the office decides to consider the petition on its merits, then the office is required, no later than 150 days after public notice of this petition, to determine whether the agency action is an underground regulation. It also would suspend these requirements connected with a petition if the agency issuing the alleged underground regulation certifies that it will not issue, use, enforce, or attempt to enforce the regulation. It also would provide that filing a petition pursuant to these provisions is not required prior to bringing an action in superior court seeking judicial declaration on the validity of a regulation.

Existing law provides that, if a state agency makes a finding that the adoption of a regulation or order of repeal is necessary for the immediate preservation of the public peace, health and safety or general welfare, the regulation or order of repeal may be adopted as an emergency regulation or order of repeal. Under existing law, a regulation, amendment, or order of repeal adopted as an emergency regulation remains in effect ~~nd 20 days unless~~ the adopting agency complies with certain requirements.

This bill would require an agency that is adopting an emergency regulation to mail at least 5 working days prior to submission of an emergency regulation to the office a notice of proposed emergency action to every person who has filed a request for notice of regulatory action with the agency unless the emergency situation clearly poses such an immediate, serious harm that delaying action to allow public comment would be inconsistent with the public interest. The bill would extend to 180 days the maximum period of time a regulation, amendment, or order of repeal initially adopted as an emergency regulation. The bill would authorize the office to approve one readoption of an emergency ~~regulation~~ period not to exceed 90



days, as specified. The bill would require the office, after posting a notice of the filing of a proposed regulation on its Web site, to allow interested persons 5 calendar days to submit comments on the proposed emergency regulations unless delaying action to allow public comment would be inconsistent with the public interest.

Vote: majority Appropriations and Fiscal Committee yes.  
State mandated program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11340.5 Government Codes

2 amended to read:

3 11340.5(a) No state agency shall issue, use, enforce, or  
4 attempt to enforce any underground regulation as defined in  
5 Section 11342.620.

6 (b) Any interested person with information that a state agency  
7 has issued, used, enforced, or attempted to enforce an  
8 underground regulation as defined in Section 11342.620 may  
9 petition the office for a determination that a particular guideline,  
10 criterion, bulletin, provision in a manual, instruction, order,  
11 standard of general application, or other rule or procedure is an  
12 underground regulation. For purposes of this subdivision, an  
13 interested person shall not include a state agency. The petition  
14 shall include all of the following:

15 (1) The name and contact information of the petitioner.

16 (2) The name and contact information of the agency that has  
17 allegedly issued, used, enforced, or attempted to enforce an  
18 underground regulation.

19 (3) A complete description of the particular underground  
20 regulation, and a copy of any written expression of the  
21 underground regulation.

22 (4) A description of the actions of the agency evidencing that  
23 it has issued, used, enforced, or attempted to enforce the  
24 underground regulation.

25 (5) The legal basis for concluding that the guideline, criterion,  
26 bulletin, provision in a manual, instruction, order, standard of  
27 general application, or other rule or procedure is a regulation as  
28 defined in Section 11342.600 and that no express statutory  
29 exemption to the requirements of this chapter is applicable.

1 (6)Information demonstrating that the petition raises an issue  
2 of considerable public importance requiring prompt resolution.

3 (c)Upon the filing of the petition, the petitioner shall submit a  
4 copy of the petition and all attachments to the agency.

5 (d)(1)No later than 30 days after receipt of a complete  
6 petition filed pursuant to subdivision (b), the office shall  
7 determine whether or not to consider the petition on its merits, in  
8 its entirety or in part, unless, prior to the end of the 30>day  
9 period, the agency submits to the office a certification pursuant to  
10 subdivision (i). If the office declines to consider the petition, it  
11 shall immediately advise the petitioner and the agency of the  
12 decision and specifically indicate that the decision in no way  
13 reflects on the merits of the underlying issue presented by the  
14 petition. A decision by the office under this paragraph, to  
15 consider or not to consider a petition on its merits, is not subject  
16 to judicial review. A decision under this paragraph shall also not  
17 be considered by a court in any action seeking judicial review of  
18 a claimed violation of subdivision (a).

19 (2)If the office decides to consider the petition on its merits, it  
20 shall notify the petitioner and the agency of this decision and  
21 shall publish the petition or a summary of the petition in the next  
22 California Regulatory Notice Register, giving notice to the public  
23 that comments on issues raised by the petition may be submitted  
24 to the office. Any person submitting comments to the office shall  
25 simultaneously provide a copy of the comments to the agency.  
26 The agency shall submit to the office a response to the petition  
27 and shall serve a copy of any response to the petition on the  
28 petitioner. The petitioner may submit a reply to the agency s  
29 response to the office and to the agency after being served with  
30 that response.

31 (3)After the time for the petitioner to submit a reply to the  
32 agency s response, and no later than 150 days after publication of  
33 the accepted petition in the California Regulatory Notice  
34 Register, the office shall issue a determination as to whether or  
35 not the particular guideline, criterion, provision in a manual,  
36 instruction, order, standard of general application, or other rule or  
37 procedure is an underground regulation.

38 (e)Upon issuing a determination pursuant to paragraph (3) of  
39 subdivision (d), the office shall do all of the following:

40 (1)File its determination with the Secretary of State.

1 (2)Make its determination known to the agency, the  
2 Governor, and the Legislature.

3 (3)Publish its determination in the California Regulatory  
4 Notice Register within 15 days of the date of issuance.

5 (4)Make its determination available to the public and the  
6 courts.

7 (f)Any interested person may obtain judicial review of a  
8 determination issued pursuant to paragraph (3) of subdivision (d)  
9 by filing a written petition requesting that the determination of  
10 the office be modified or set aside. A petition shall be filed with  
11 the court within 90 days of the date the determination is  
12 published.

13 (g)A determination issued by the office pursuant to this  
14 section shall not be considered by a court, or by an administrative  
15 agency in an adjudicatory proceeding if all of the following  
16 occurs:

17 (1)The court or administrative agency proceeding involves the  
18 party that sought the determination from the office.

19 (2)The proceeding began prior to the party's request for the  
20 office's determination.

21 (3)At issue in the proceeding is the question of whether the  
22 particular guideline, criterion, bulletin, provision in a manual,  
23 instruction, order, standard of general application, or other rule or  
24 procedure that is the legal basis for the adjudicatory action is a  
25 regulation as defined in Section 11342.600 or an underground  
26 regulation as defined in Section 11342.620.

27 (h)The office shall adopt regulations to implement this  
28 section, which shall include regulations specifying the time to  
29 file comments on a petition, responses, and replies, and which  
30 may include, but not be limited to, the following:

31 (1)Authorizing a party who filed comments on a petition to  
32 submit a reply to the agency's response to the petition.

33 (2)Authorizing the office to extend the time for an agency to  
34 file a response to a petition if the agency is a state body as  
35 defined in Section 11121 and the agency's response requires  
36 action taken at a meeting subject to Article 9 (commencing with  
37 Section 11120) of Chapter 1.

38 (i)Any action required of the office or an agency by this  
39 section in connection with a petition shall be suspended if the  
40 office receives a certification from the agency that it will not

1 issue, use, enforce, or attempt to enforce the alleged underground  
2 regulation along with proof that the certification has been served  
3 on the petitioner. This certification shall be made by the head of  
4 the agency or a person with a written delegation of authority  
5 from the head of the agency in the form specified by Section  
6 2015.5 of the Code of Civil Procedure. Upon receipt of this  
7 certification and proof of service, the office shall do all of the  
8 following:

9 (1)File the petition and the certification with the Secretary of  
10 State.

11 (2)Publish a summary of the petition and the certification in  
12 the California Regulatory Notice Register.

13 (3)If the certification is received after the petition or summary  
14 of the petition has been published in the California Regulatory  
15 Notice Register, make the petition and certification known to the  
16 Governor and the Legislature.

17 (j)The filing of a petition pursuant to this section is not  
18 required prior to seeking judicial review of a claimed violation of  
19 subdivision (a) and nothing in this article is intended to limit the  
20 ability of an interested person to seek judicial review pursuant to  
21 Section 11350.

22 SEC. 2Section 11342.545 is added to the Code  
23 to read:

24 11342.545For purposes of adopting a regulation pursuant  
25 to Section 11346.1, emergency means a situation not foreseen  
26 in sufficient time to proceed in accordance with the provision of  
27 Article 5 (commencing with Section 11346) that apply to  
28 nonemergency regulations and that calls for immediate action to  
29 avoid serious harm evidenced by an imminent and substantial  
30 threat to the public peace, health, safety, or general welfare.  
31 Emergency does not mean expediency, convenience, best  
32 interest, or general public need, and it cannot be based on  
33 speculation.

34 ~~SEC. 2.~~

35 SEC. 3Section 11342.620 is added to the Code  
36 to read:

37 11342.620Underground regulation means any guideline,  
38 criterion, bulletin, provision in a manual, instruction, order,  
39 standard of general application, or other rule or procedure that is  
40 a regulation as defined in Section 11342.600, but has not been

1 adopted as a regulation and filed with the Secretary of State  
2 pursuant to this chapter.

3 SEC. 4 Section 11346.1 of the Government Code is amended  
4 to read:

5 11346.1(a)(1) The adoption, amendment, or repeal of an  
6 emergency regulation is not subject to any provision of this  
7 chapter except this section and Section 11349.6.

8 (2) At least five working days before submitting an emergency  
9 regulation to the office, the adopting agency shall, except as  
10 provided in paragraph (3), mail a notice of the proposed  
11 emergency action to every person who has filed a request for  
12 notice of regulatory action with the agency. The notice shall  
13 describe all of the following:

14 (A) The proposed regulatory action.

15 (B) The specific regulatory language proposed to be adopted.

16 (C) The factual and evidentiary basis for the emergency and  
17 the need for immediate action.

18 (D) The statutory authority for adopting the regulation.

19 (E) The law being implemented, interpreted, or made specific.

20 (F) The basis for proposing the specific regulation to address  
21 the emergency.

22 (3) An agency is not required to provide notice pursuant to  
23 paragraph (2) if the emergency situation clearly poses such an  
24 immediate, serious harm that delaying action to allow public  
25 comment would be inconsistent with the public interest.

26 (b)(1) Except as provided in subdivision (c), if a state agency  
27 makes a finding that the adoption of a regulation or order of  
28 repeal is necessary for the immediate preservation of the public  
29 peace, health and safety or general welfare, the regulation or  
30 order of repeal may be adopted as an emergency regulation or  
31 order of repeal.

32 ~~Any~~

33 (2) Any finding of an emergency shall include a written  
34 statement which contains the information required by  
35 paragraphs (2) to (6), inclusive, of subdivision (a) of Section  
36 11346.5 and a description of the ~~specific~~ facts  
37 demonstrating the existence of an ~~emergency~~ and  
38 immediate action and demonstrating, by substantial evidence,  
39 the need for the proposed regulation to effectuate the statute  
40 being implemented, interpreted, or made specific and to address

1 only the demonstrated emergency finding of emergency  
2 shall also identify each technical, theoretical, and empirical  
3 study, report, or similar document, if any, upon which the agency  
4 relies. The enactment of an urgency statute shall not, in and of  
5 itself, constitute a need for immediate action.

6 ~~The~~

7 (3) The statement and the regulation or order of repeal shall be  
8 filed immediately with the office.

9 (c) Notwithstanding any other provision of law, no emergency  
10 regulation that is a building standard shall be filed, nor shall the  
11 building standard be effective, unless the building standard is  
12 submitted to the California Building Standards Commission, and  
13 is approved and filed pursuant to Sections 18937 and 18938 of  
14 the Health and Safety Code.

15 (d) The emergency regulation or order of repeal shall become  
16 effective upon filing or upon any later date specified by the state  
17 agency in a written instrument filed with, or as a part of, the  
18 regulation or order of repeal.

19 (e) No regulation, amendment, or order of ~~repeal~~  
20 adopted as an emergency regulatory action shall remain in effect  
21 more than ~~180~~ 180 days unless the adopting agency has complied  
22 with Sections 11346.2 to 11347.3, inclusive, either before  
23 adopting an emergency regulation ~~120-day~~ 180-day  
24 period. The adopting agency, prior to the expiration of the  
25 ~~120-day~~ 180-day period, shall transmit to the office for filing  
26 with the Secretary of State the adopted regulation, amendment, or  
27 order of repeal, the rulemaking file, and a certification that  
28 Sections 11346.2 to 11347.3, inclusive, were complied with  
29 either before the emergency regulation was adopted or within the  
30 ~~120-day~~ 180-day period.

31 (f) ~~In the event~~ an emergency amendment or order of repeal  
32 is filed and the adopting agency fails to comply with subdivision  
33 (e), the regulation as it existed prior to the emergency  
34 amendment or order of repeal shall thereupon become effective  
35 and after notice to the adopting agency by the office shall be  
36 reprinted in the California Code of Regulations.

37 (g) ~~In the event~~ a regulation is originally adopted and filed  
38 as an emergency and the adopting agency fails to comply with  
39 subdivision (e), this failure shall ~~constitute~~ ~~the~~ a repeal

1 regulation and after notice to the adopting agency by the office,  
2 shall be deleted.

3 (h)The office shall not file an emergency regulation with the  
4 Secretary of State if the emergency regulation is the same as or  
5 substantially equivalent to an emergency regulation previously  
6 adopted by that agency, ~~unless the office expressly~~  
7 approves the agency's readoption of the emergency regulation.  
8 The office may approve one readoption of the emergency  
9 regulation for a period not to exceed 90 days if the agency has  
10 made substantial progress and proceeded with diligence to  
11 comply with subdivision (e).

12 SEC. 5 Section 11349.6 Government Code is amended  
13 to read:

14 11349.6(a) ~~In the event~~ the adopting agency has complied  
15 with Sections 11346.2 to 11347.3, inclusive, prior to the adoption  
16 of the regulation as an emergency, the office shall approve or  
17 disapprove the regulation in accordance with this article.

18 (b)Emergency regulations adopted pursuant to subdivision (b)  
19 of Section 11346.1 shall be reviewed by the office within 10  
20 calendar days after their submission to the office.  
21 notice of the filing of a proposed emergency regulation on its  
22 Website, the office shall ~~allow~~ persons five calendar  
23 days to submit comments on the proposed emergency regulations  
24 unless the emergency situation clearly poses such an immediate  
25 serious harm that delaying action to allow public comment would  
26 be inconsistent with the public interest. ~~The office shall not file~~  
27 the emergency regulations with the Secretary of State if it  
28 determines that the regulation is not necessary for the immediate  
29 preservation of the public peace, health and safety, or general  
30 welfare, or if it determines that the regulation fails to meet the  
31 standards set forth in Section 11349.1, or if it determines the  
32 agency failed to comply with subdivisions (b) and (c) of  
33 11346.1.

34 (c)If the office considers any information not submitted to it  
35 by the rulemaking agency when determining whether to file  
36 emergency regulations, the office shall provide the rulemaking  
37 agency with an opportunity to rebut or comment upon that  
38 information.

39 (d)Within 30 working days of the filing of a certificate of  
40 compliance, the office shall review the regulation and hearing

1 record and approve or order the repeal of an emergency  
2 regulation if it determines that the regulation fails to meet the  
3 standards set forth in Section 11349.1, or if it determines that the  
4 agency failed to comply with this chapter.

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109TH CONGRESS  
1ST SESSION

# S. 1607

To amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

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## IN THE SENATE OF THE UNITED STATES

JULY 29, 2005

Mr. LAUTENBERG (for himself and Mr. CORZINE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

## A BILL

To amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Solid Waste Environ-  
5 mental Regulation Clarification Affecting Railroads Act of  
6 2005”.

1 **SEC. 2. AMENDMENTS TO EXCLUDE SOLID WASTE DIS-**  
2 **POSAL FROM THE JURISDICTION OF THE**  
3 **BOARD.**

4 Section 10501 of title 49, United States Code, is  
5 amended—

6 (1) in subsection (b)(2), by inserting “except  
7 solid waste management facilities (as defined in sec-  
8 tion 1004 of the Solid Waste Disposal Act (42  
9 U.S.C. 6903)),” after “facilities,”; and

10 (2) in subsection (c)(2)—

11 (A) by striking “over mass” and inserting  
12 the following: “over—

13 “(A) mass”; and

14 (B) by striking the period at the end and  
15 inserting the following: “; or

16 “(B) the processing or sorting of solid  
17 waste.”.

○

109TH CONGRESS  
1ST SESSION

# H. R. 3577

To amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. MENENDEZ (for himself, Mr. PALLONE, Mr. PASCRELL, Mr. ANDREWS, and Mr. ROTHMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

---

## A BILL

To amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENTS TO EXCLUDE SOLID WASTE DIS-**  
4 **POSAL FROM THE JURISDICTION OF THE**  
5 **BOARD.**

6 Section 10501 of title 49, United States Code, is  
7 amended—

8 (1) in subsection (b)(2), by inserting “except  
9 for solid waste management facilities (as defined in

1       section 1004 of the Solid Waste Disposal Act (42  
2       U.S.C. 6903)),” after “facilities,”; and  
3       (2) in subsection (c)(2)—  
4               (A) by striking “over mass” and inserting  
5       the following: “over—  
6               “(A) mass”; and  
7               (B) by striking the period at the end and  
8       inserting the following: “; or  
9               “(B) the processing or sorting of solid  
10       waste.”.

○

**S. 1607 - July 29, 2005**  
**Solid Waste Environmental Regulation Clarification Affecting**  
**Railroads Act of 2005**

(Companion House of Representative, H.R. 3577)

Mike Mohajer

On 7/29/05, Senators Lautenberg (D-NJ) and Corzine (D-NJ) introduced **S. 1607** addressing the loop hole in the Interstate Commerce Commission Termination Act of 1995 that gives the Federal Surface Transportation Board the authority to exempt rail operators from complying with state and local solid waste laws and regulations. Below is an excerpt from the Congressional Record with the legislative language and statements from the two New Jersey Senators.

**CONGRESSIONAL RECORD -- July 29, 2005 SENATE** (PP: S9531 & 2)

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 1607. A bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board; to the Committee on Commerce, Science, and Transportation.

Mr LAUTENBERG. Mr. President, I rise to introduce legislation to address a serious problem in New Jersey and across the nation—the unregulated sorting and processing of garbage at rail facilities in our communities.

A conflict in Federal laws and policy has resulted in certain solid waste-handling facilities located on railroad property being unregulated. Environmental laws such as the Solid Waste Disposal Act should apply to the operation of these facilities. However, a broad-reaching Federal railroad law forbids environmental regulatory agencies from overseeing the safe handling of trash or solid waste at these sites.

These unintended consequences require our attention, and are the reason for the Solid Waste Environmental Regulation Clarification Affecting Railroads Act of 2005.

The Federal railroad law in question was enacted most recently in the Interstate Commerce Commission Termination Act of 1995 to protect the operation of interstate rail service. The law gives ‘exclusive’ jurisdiction over rail transportation—and activities incident to such transportation—to the Federal Surface Transportation Board.

I realize this law is necessary for the efficient operation of commerce in our modern economy. I serve on the Committee on Commerce, Science and Transportation, as well as the Subcommittee on Merchant Marine and Surface Transportation, which oversees

(1)

the Surface Transportation Board and considers nominations of its members. The board's reputation and expertise in rail regulation is second to none.

However, the Board is limited to only a passive role in ensuring that rail facilities are operated with minimal detriment to the public health and safety. These sites require active environmental regulation, just like other solid waste handling facilities.

The recent proliferation of solid waste rail transfer facilities has affected the ability of State and local governments to engage in long-term waste management planning. These agencies also are responsible for responding to accidents and incidents occurring at these facilities.

Although transporting solid waste by rail can reduce the number of trucks hauling solid waste on public roads, handling this waste without careful planning and management presents a danger to human health and the environment.

These transfer operations create thick dust, which is potentially hazardous and is breathed in by local residents and business owners.

Some transfer facilities don't have proper drainage on site, leading to the potential contamination of surface and groundwater and nearby wetlands.

In addition, these facilities raise serious concerns about the safety of their workers and the exemptions they claim from strong State worker protection laws.

As a result of these chilling reports, I asked state agencies in New Jersey, railroads, and other interested groups to provide input into possible legislation to address this problem.

Many experts in New Jersey, including the Department of Environmental Protection, the Meadowlands Commission, the Pinelands Commission, and the Rutgers Environmental Law Clinic, provided excellent suggestions. I look forward to working with them throughout the process to find a solution to this problem.

I have also met with railroad interests, who are concerned about their ability to continue hauling solid waste. Some operators of these rail facilities have voluntarily complied with State environmental laws, even though they could claim that Federal railroad law preempts any enforcement action States could take. I would like to thank members of the solid waste handling industry for their concern and input as well.

One reason this legislation is needed is that the Surface Transportation Board has never clarified whether it even has jurisdiction over the processing and sorting of solid waste at a rail facility.

This bill would make it clear that Congress' intent was not to subvert the policies of the Solid Waste Disposal Act and other environmental laws covering the handling of garbage.

(2)

The bill will clarify the intent of Congress in passing these two important laws, and ensure that they work together to provide for a robust, environmentally responsible rail system.

Some have suggested that perhaps this clarification should not be limited to the processing and sorting of solid waste. But these are the activities that require the greatest environmental oversight, because they pose the greatest environmental risk.

Many towns across the country are beginning to understand the problem of having an unregulated polluting neighbor, and having nowhere to turn for help. Many influential organizations support this effort, including: United States Conference of Mayors, National Governors Association, Solid Waste Association of North America, Mass Municipal Association, National Solid Wastes Management Association, Integrated Waste Services Association, and Construction Material Recyclers Association.

These garbage transfer facilities should not be able to circumvent and ignore our environmental and safety laws. I realize that the Surface Transportation Board must have broad jurisdiction over rail transportation, but that jurisdiction should not be interpreted in a way that puts our environment at risk.

Railroading has a bright future in New Jersey and throughout our country, as freight loads have increased to levels we have not seen in some time. I have fought for many years to ensure that our freight transportation system, the backbone of our national economy, continues to flourish. But we need this legislation to ensure that these solid waste rail transfer facilities are run in the same environmentally responsible manner as other solid waste sites.

I ask unanimous consent that the text of the bill be printed in the **RECORD**.

There being no objection, the bill was ordered to be printed in the **RECORD**, as follows:

S. 1607

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## **SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Solid Waste Environmental Regulation Clarification Affecting Railroads Act of 2005”.*

## **SEC. 2. AMENDMENTS TO EXCLUDE SOLID WASTE DISPOSAL FROM THE JURISDICTION OF THE BOARD.**

(3)

Section 10501 of title 49, United States Code, is amended –

(1) in subsection (b)(2), by inserting “except solid waste management facilities (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)),” after “facilities,”; and

(2) in subsection (c)(2) --

(A) by striking “over mass” and inserting the following: “over --

“(A) mass”; and

(B) by striking the period at the end and inserting the following: “; or

“(B) the processing or sorting of solid waste.”.

Mr. CORZINE. Mr. President, I rise in support of legislation being introduced today by my colleague from New Jersey, Senator **LAUTENBERG**. This legislation, the Solid Waste Environmental Regulation Clarification Affecting Railroads Act of 2005, would deal with a growing problem in my state: the problem of railroads avoiding strict environmental standards by constructing waste transfer facilities next to rail lines. I am proud to cosponsor this important legislation.

I first became aware of this problem when constituents contacted me about a waste transfer facility proposed to be built by a railroad in Mullica Township, New Jersey. There could not be a worse place for such a facility. Mullica Township is located in the Pinelands National Reserve, which encompasses more than 1.1 million acres of ecologically sensitive land. The Pinelands was designated as our nation’s first national reserve in order to protect its streams, bogs, and cedar and hardwood swamps, as well as the many species that live there. Yet many of these protections could be circumvented if this proposed facility is built. The railroad argues that federal statute provides a shield from all environmental standards for any trash facility built adjacent to a rail line. This same argument has been used by railroads in the case of 5 similar facilities that are already in operation in North Bergen. These facilities lie near New Jersey’s Meadowlands, another environmental treasure.

The statute being used by the railroads establishes the Surface Transportation Board, STB, as the regulatory agency for the nation’s railroads, title 49 of the United States Code. Under section 10501, the STB has exclusive jurisdiction over the “construction, acquisition, or operation” of “facilities” located adjacent to a rail line. The railroads argue that facility means any facility, including a trash transfer station. They argue that because of this statute, federal law preempts all other state and local protections.

I cannot believe that Congress intended these types of facilities to be exempt from State and local environmental standards. The risk to the surrounding communities from the air



(4)

pollution and groundwater contamination that could occur when open rail cars carrying solid waste are allowed to load and off-load is too great. However, I believe that we must take steps to clarify the law's intent. The "Solid Waste Environmental Regulation Clarification Affecting Railroads Act of 2005 will do this. The Act makes it clear that all state and local environmental laws and restrictions apply to these facilities.

This is a commonsense measure that insures that the public remains fully involved in decisions relating to these facilities, regardless of where they are built. I urge its enactment.

MMM – 8/17/05

Proposed amendments by S. 1607 (& H.R.3577) to Section 10501 of Title 49, United States Code. Deletions are shown by strikethrough and addition in bold and underlined.

1. Subsection (b)(2) – the construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks, or facilities, **except solid facilities (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903))**, even if the tracks are located, or intended to be located, entirely in one state, ; and
2. Subsection (c)(2) – Except as provided in paragraph (3), the board does not have jurisdiction under this part ~~over mass~~ **over - (A) mass** transportation provided by a local government authority- **; or (B) the processing or sorting of solid waste.**

MMM – 8/17/05

109TH CONGRESS  
1ST SESSION

# H. R. 3577

To amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. MENENDEZ (for himself, Mr. PALLONE, Mr. PASCRELL, Mr. ANDREWS, and Mr. ROTHMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENTS TO EXCLUDE SOLID WASTE DIS-**  
4 **POSAL FROM THE JURISDICTION OF THE**  
5 **BOARD.**

6 Section 10501 of title 49, United States Code, is  
7 amended—

8 (1) in subsection (b)(2), by inserting “except  
9 for solid waste management facilities (as defined in

1 section 1004 of the Solid Waste Disposal Act (42  
2 U.S.C. 6903)),” after “facilities,”; and  
3 (2) in subsection (c)(2)—  
4 (A) by striking “over mass” and inserting  
5 the following: “over—  
6 “(A) mass”; and  
7 (B) by striking the period at the end and  
8 inserting the following: “; or  
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10 waste.”.

○

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2. Subsection (c)(2) – Except as provided in paragraph (3), the board does not have jurisdiction under this part ~~over mass~~ **over - (A) mass** transportation provided by a local government authority: **; or (B) the processing or sorting of solid waste.**

MMM – 8/17/05

# **SOLID WASTE TASK FORCE AGENDA**

**September 22, 2005  
12:00 p.m to 2:00 p.m.**

**Item 5.1**

**SOLID WASTE CHAPTER, DRAFT REGIONAL COMPREHENSIVE PLAN  
September 22, 2005**

This Draft Solid Waste Chapter, as presented, is preliminary, and has not been subject to formal approval of the SCAG Regional Council or any Committee. The action plan is based on the discussions of the RCP Task Force and is being made available at this time for information and for suggestions.

## INTRODUCTION

This chapter presents policies regarding solid waste and hazardous waste adopted by SCAG's Regional Council, an action plan to meet the policy requirements and a listing of existing conditions.

The solid waste action plan is organized according to the implementing authority. As such, there is a section for recommendations for the federal government, the California government, SCAG and other regional agencies, and local government. The action plan is further organized by distinguishing actions that are critical to implementing SCAG's regional growth vision and those which are presented as advisable practices. While the actions included here are advisory, SCAG will refer to its recommended practices in administering Inter-Governmental Review as authorized by CEQA. The action plan includes items identified as mitigation in the Program Environmental Impact Report for the 2004 Regional Transportation Plan (RTP).

In addition to the solid waste action plan, the chapter contains data on

- solid waste and hazardous waste generation and disposal,
- disposed solid waste composition,
- solid waste diversion rates and recycling,
- solid waste landfill capacity, and
- non-disposal solid waste facilities, such as
  - solid waste transfer stations,
  - material recovery facilities,
  - waste-to-energy disposal facilities, and
  - conversion technology disposal facilities.

This chapter also forecasts solid waste disposal needs as far as projections are available. Performance indicators, if used, can measure how the region is progressing toward its policy goals and relate the region's progress on solid waste issues to the Regional Council's Growth Vision principles.

## SCAG POLICIES REGARDING SOLID WASTE, INCLUDING HAZARDOUS WASTE

SCAG has established policies regarding solid waste, including hazardous waste. These policies can be used as a guide for jurisdictions when establishing their own waste management policies.

The guiding policy for this chapter is to "*Promote Sustainability for Future Generations.*" The Regional Council, through its 2004 Growth Vision, recognizes that management of solid waste and hazardous waste must be sustainable in order to efficiently manage natural resources and in order to protect the environment today and in the future. The overarching solid waste policy is to:

This Draft Solid Waste Chapter, as presented, is preliminary, and has not been subject to formal approval of the SCAG Regional Council or any Committee. The action plan is based on the discussions of the RCP Task Force and is being made available at this time for information and for suggestions.

- *Develop strategies to accommodate growth that use resources efficiently, eliminate pollution, and significantly reduce waste generation, and that return waste stream materials to beneficial use.* (Policy Reference: 72)

### SCAG Solid Waste Policies

SCAG has various policies to meet the overarching solid waste policy. These are listed below along with changes recommended by the Solid Waste Task Force.

- ~~Waste reduction goals and programs should be included in each of the county plans (Policy Reference: 135)~~ [recommended delete since this is legally required of county and local governments]
- *Encourage local jurisdictions to continue to adopt programs to comply with state solid waste diversion rate mandates and, where possible, shall encourage further recycling all opportunities to exceed these rates.* (Policy Reference 187)
- ~~Work with regulatory agencies to integrate requirements into local policies to the extent possible, and clarify the roles and responsibilities of regulatory agencies vis-a-vis local agencies, and thereby improve local government's ability to first understand its options, choose from them and then act accordingly (Policy Reference: 107)~~
- *The California Integrated Waste Management Board should work with jurisdictions required to implement solid waste diversion mandates that are enacted by the legislature with an emphasis on programmatic, rather than mathematical compliance.* (Policy Reference: 186)
- *Encourage the California Integrated Waste Management Board and the Legislature to pursue policy measures that will accelerate the commercialization and permitting of beneficial solid waste conversion technologies.* (Proposed new policy)
- *Minimize future impacts related to management of solid waste through cooperation, information sharing, and program development during the update of the Integrated Solid Waste Management chapter of SCAG's Regional Comprehensive Plan and Guide and through SCAG's Energy and Environment Committee. SCAG shall consult with the California Integrated Waste Management Board during this process.* (Policy Reference: 188)

### Hazardous Waste Policies

SCAG has adopted a resolution and several policies on hazardous waste. The Regional Council's goal in developing these policies is that hazardous waste is minimized and that jurisdictions accommodate the hazardous waste that is produced within their boundaries.

- ~~Regional cooperation can help ensure that counties coordinate their approaches to hazardous waste management facility siting criteria to avoid one county's policies being significantly more restrictive than another county's, thereby leading to inequitable facility siting decisions. Through regional cooperation, general areas for hazardous waste management facility development that meet regional needs can be identified.~~ (Policy Reference: 134) Recommend deletion
- *Support only the use of the best available technology including monitoring, air, and water impacts for locating any nuclear waste facility.* (Policy Reference: 148)



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- *Every county should accept responsibility for the management of hazardous wastes in the region in an amount proportional to the hazardous wastes generated within the county. (Policy Reference: 133)*
- *Jurisdictions should work together to develop a common siting criteria for hazardous waste facilities. [proposed new policy]*
- *Encourage federal, state and local efforts to educate businesses on the use of less dangerous alternatives than hazardous materials. (Policy Reference: 170)*
- *Encourage the U.S. Department of Transportation and the California Highway Patrol to continue to enforce existing regulations governing goods movement and hazardous waste transportation. (Policy Reference 169)*

### **Action Plan**

In order to make these policies useful, there needs to be an action plan that will allow jurisdictions to implement the policies. Through the Regional Comprehensive Plan Task Force and SCAG policy committees, the Regional Council has devised an action plan that presents a menu of options for jurisdictions regarding solid waste and hazardous waste. All of these items in the action plan relate to one or more of the solid waste policies as well as the mitigation measures in the 2004 Regional Transportation Plan (RTP) Program Environmental Impact Report (PEIR). The mitigation measures are part of the Action Plan.

## **RECOMMENDED ACTIONS**

### **Source Reduction and Waste Prevention**

1. SCAG strongly encourages all levels of government to advocate for source reduction and waste prevention. Source reduction or waste prevention includes actions to reduce waste at the source. Products with less packaging, eliminating unwanted mail before it is sent, and reusing or recycling items instead of disposing of them are all ways to prevent waste. Actions related to source reduction or waste prevention include advocating for (Policy Reference 135):

- Reducing the use of excess material used in packaging products;
- increasing the useful life of products through durability and reparability;
- decreasing of the toxicity of products;
- facilitating material or product reuse;
- the reduction, or more efficient consumer use, of materials; and
- increasing production efficiency to produce less production waste;
- continued support of government source reduction programs;
- the continuing advocacy of consumer-based “recycling” or “eco-shopping” strategies
- supporting state programs that offer incentives to those who use recycled content; thus encouraging growth in the recycled contents market;
- eliminating unnecessary duplication and/or restrictive regulations that hinder recycling, reuse, composting and conversion of solid waste;
- continuing to support efforts at all levels to stimulate the growth of recycling markets that controls the state mandates and/or demands percentage recycling;

This Draft Solid Waste Chapter, as presented, is preliminary, and has not been subject to formal approval of the SCAG Regional Council or any Committee. The action plan is based on the discussions of the RCP Task Force and is being made available at this time for information and for suggestions.

- continuing to advocate for the development of incentives to increase the use of recycled contents materials;
- encouraging market demand for recycled content;
- advocating and supporting the education of businesses and industries for source reduction efforts and to the benefits of using post recycled content;
- advocating and supporting the simplification and timeliness of required reporting;
- encouraging the continued development of a statewide waste prevention public awareness campaign that reduces unnecessary overlap and expenditures at the local level. (Policy Reference: 134, 135, 170, 188)

### Waste Diversion

Diverting waste from landfills through conversion technologies and recycling will reduce a region's reliance on landfills and will preserve the environment. Actions related to waste diversion and recycling include:

#### General

- Continue to support the ongoing statewide effort to quantify the "cradle to grave" full life costs of local government waste diversion programs.
- Advocate the development of subregional or multi-jurisdictional efforts to address solid waste.

#### Recycling

- Encourage international, federal, state, and local procurement policies that favor recycled products;
- Continue to advocate CIWMB's taking a realistic look at market potential for recycled materials.
- Advocate and support CIWMB developing policies that will develop and stimulate local, national, and international markets for recycled commodities.
- Advocate CIWMB providing a greater role to major recycling market industry groups (paper, plastics, metals, etc.) in the drafting of marketing development policy.
- Encourage consideration of rail accessibility to solid waste facilities and markets.
- Reduction requirements should be based only on the amount of residual solid waste ultimately disposed in landfills.
- Advocate and support state and local efforts to explore opportunities for voluntary actions to exceed the 50% waste diversion target.
- Encourage legislative approaches to help market recyclables through cost-effective financial support.
- Support and encourage the development of conversion technologies.

#### Conversion Technologies

Conversion technologies convert post-recycled residuals from material recovery facilities, currently destined for disposal, into high-value products such as energy, alternative fuels, and other industrial products. These processes divert wastes from landfills and produce energy and other products that can be used in place of consuming additional natural resources. Actions related to conversion technologies include:

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- Advocate changes in state law, which provide (a) diversion credit for beneficial use of post-recycled solid waste residuals managed at conversion technology facilities, and (b) financial support and/or tax incentives for the development of pilot or demonstration solid waste conversion technologies.
- Support federal and state incentives for research and demonstration projects for solid waste conversion technologies.
- Support the siting of pilot and demonstration solid waste conversion technologies, individually or in conjunction with other technologies, giving equal consideration to environmental, public opinion, and cost factors.
- Support state legislative, CIWMB and Air Resources Board administrative actions to streamline the permitting process for solid waste conversion technologies.
- Advocate that CIWMB actively promote solid waste conversion technologies, and provides information concerning the costs and benefits of these technologies to local governments.
- Advocate county and local programs to educate the public on the life-cycle costs and benefits of solid waste conversion technologies.
- Advocate changes in State law to separate and remove conversion technologies from the definition of “transformation,” and provide the diversion credit to non-burn conversion technologies.
- Consider siting solid waste conversion technologies, individually or in conjunction with material recovery facilities, giving consideration to environmental, public opinion, and cost factors.

### Composting

Composting is the bacterial decomposition of organic materials. Composting can reduce the volume of organic materials that would otherwise be sent to landfills by about 50%.

Actions related to composting include:

- Support state legislative, CIWMB, Air Resources Board and the California Water Resources Board administrative actions to streamline the permitting process for solid waste composting technologies and to address increasing regulatory challenges relative to siting, air quality, and odor issues.
- Advocate CIWMB to actively promote solid waste composting technologies and provide information concerning the costs and benefits of these technologies to local governments.
- Advocate county and local programs to educate the public on the costs and benefits of solid waste composting technologies.
- Consider siting solid waste composting technologies, individually or in conjunction with other technologies, giving consideration to environmental, public opinion, and cost factors.

### Landfills

Landfills have been the major component in the solid waste management system for some time. More and more often, today, however, landfills are reaching their capacity. Public and private operators of landfills are finding it difficult to site new landfills or expand existing ones because of public opposition. Actions related to landfills include:

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- Advocate the continuing review and update of the Siting Elements of Countywide Integrated Waste Management Plans and facilitate the ongoing public dialog on the role and need for landfills.
- Advocate CIWMB's taking a major role in looking at alternatives to continued waste disposal in landfills, including the development of strategies to extend the life of existing landfills.
- Support the streamlining of the CEQA process regarding landfill siting regulations and procedures.
- Encourage and support existing landfills and the siting of new landfills necessary to meet residual disposal needs.
- Support County Efforts to site landfills and to promote public dialogue related to the role and need for landfills.
- Monitor proposals to transport solid waste out-of-state and consider economic impacts to Southern California.

#### Actions from the Southern California Hazardous Waste Management Plan, July 1989

A key component of hazardous waste management is identifying disposal facilities. The actions put forth in the Southern California Hazardous Waste Management Plan encourage jurisdictions to accommodate the hazardous waste produced within their jurisdictions and not to place the disposal burden on other jurisdictions. Actions for hazardous waste include:

- Every county and city in the region should accept responsibility for the management of hazardous wastes in an amount proportionate to the hazardous wastes generated in the county and city.
- Each county should meet its obligation in managing hazardous wastes.
- Facilitate hazardous waste reduction by:
  - Supporting strategies that give priority to waste reduction;
  - Assisting in information sharing, intergovernmental coordination, and public advocacy;
  - Supporting a standard definition and reporting format for waste reduction in the region that simplifies reporting and improves timeliness;
  - Monitoring county waste reduction efforts; and
  - Facilitating intergovernmental cooperation in waste reduction among local government, the California Department of Toxic Substances Control, special purpose agencies, and military institutions.

#### **Current Conditions**

The current waste generation, waste disposal and diversion, and landfill capacity conditions for the SCAG region are presented in this section. Information about disposal options beyond landfills is also presented. Hazardous waste, including business and household hazardous waste, universal waste, and electronic waste are also discussed in this chapter on solid waste.

#### Waste Generation and Disposal

In 2003, the SCAG region accounted for 21.2 million tons of disposed waste, or approximately 57% of the statewide total of 35.8 million tons. With a statewide diversion

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rate of 47%, approximately 68 million tons of total waste was generated in California, and 32 million tons were diverted or recycled.

The amount of landfill waste generated in the SCAG region dropped considerably after Assembly Bill 939 (The California Integrated Waste Act of 1989) was adopted. The Act requires local governments to reduce their waste that is disposed in landfills or other means by 25% by 1995 and 50% by 2000. Enacted at the beginning of a recession, the act was initially successful. However, since 1995, the amount of landfill waste originating in the SCAG region generally has been rising.

The increase is not due to a relaxation in the law. The average waste disposed in a landfill or transformation facility per day per person in the state decreased 27%, from 3.12 pounds per day in 1990 to 2.46 pounds per day in 2003.<sup>1</sup> Annual non-residential disposed waste decreased from 25.4 million tons in 1990 to 23.9 million tons in 2003, a six percent decrease.<sup>2</sup> During the same period, the regional population increased by 5.5 million people and business taxable sales increased 12%. However, the effect of AB 939 is clearly seen when comparing disposed waste from each county between 1990 and 2003, as seen in the below table.

<b>Post Recycled Solid Waste Disposed in the SCAG Region, 1990-2003</b>							
<b>Year</b>	<b>Waste (In Tons) by County of Origin</b>						
	<b>Imperial</b>	<b>Los Angeles</b>	<b>Orange</b>	<b>Riverside*</b>	<b>San Bernardino*</b>	<b>Ventura</b>	<b>SCAG Region</b>
<b>1990</b>	<b>475,935</b>	<b>12,373,015</b>	<b>4,439,467</b>	<b>2,029,795</b>	<b>1,613,475</b>	<b>1,095,159</b>	<b>22,026,846</b>
1995	152,945	12,027,872	2,969,155	1,332,771	1,634,484	793,562	18,910,789
1996	142,537	11,588,049	2,970,679	1,297,423	1,662,884	773,010	18,434,582
1997	166,635	11,710,081	3,335,262	1,352,166	1,614,192	783,125	18,961,461
1998	160,848	12,344,753	3,620,851	1,471,595	1,691,378	856,189	20,145,614
1999	180,713	12,251,945	3,610,095	1,559,685	1,688,062	863,739	20,154,239
2000	181,628	12,748,153	3,834,634	1,671,600	1,768,527	892,560	21,097,102
2001	182,587	11,577,206	3,909,528	1,763,750	1,895,484	901,154	20,229,709
2002	198,454	11,581,424	3,721,655	1,844,534	1,919,841	922,480	20,188,388
<b>2003</b>	<b>229,548</b>	<b>12,028,027</b>	<b>3,900,425</b>	<b>2,032,982</b>	<b>2,099,691</b>	<b>971,480</b>	<b>21,262,153</b>

\*includes solid waste exported out of state, but originated in the SCAG Region.

Source: California Integrated Waste Management Board. (25 May 2004). Multi-year Countywide Origin Summary. Retrieved February 9, 2005, from <http://www.ciwmb.ca.gov/LGCentral/DRS/Reports/origin/WFOrginAnnual.asp>

Californians have reduced waste out of economics and out of necessity. Landfills across the state are reaching capacity. The expansion of landfills or the development of new landfills in urban areas is expensive and is often met with local opposition. Siting landfills in remote areas increases disposal costs. These remote landfills can also meet opposition as they may be located in fragile environments.

<sup>1</sup> California Integrated Waste Management Board. (14 April 2004). Residential Disposal Rates. Retrieved August 12, 2004 from <http://www.ciwmb.ca.gov/LGCentral/Rates/Disposal/Resident.htm>

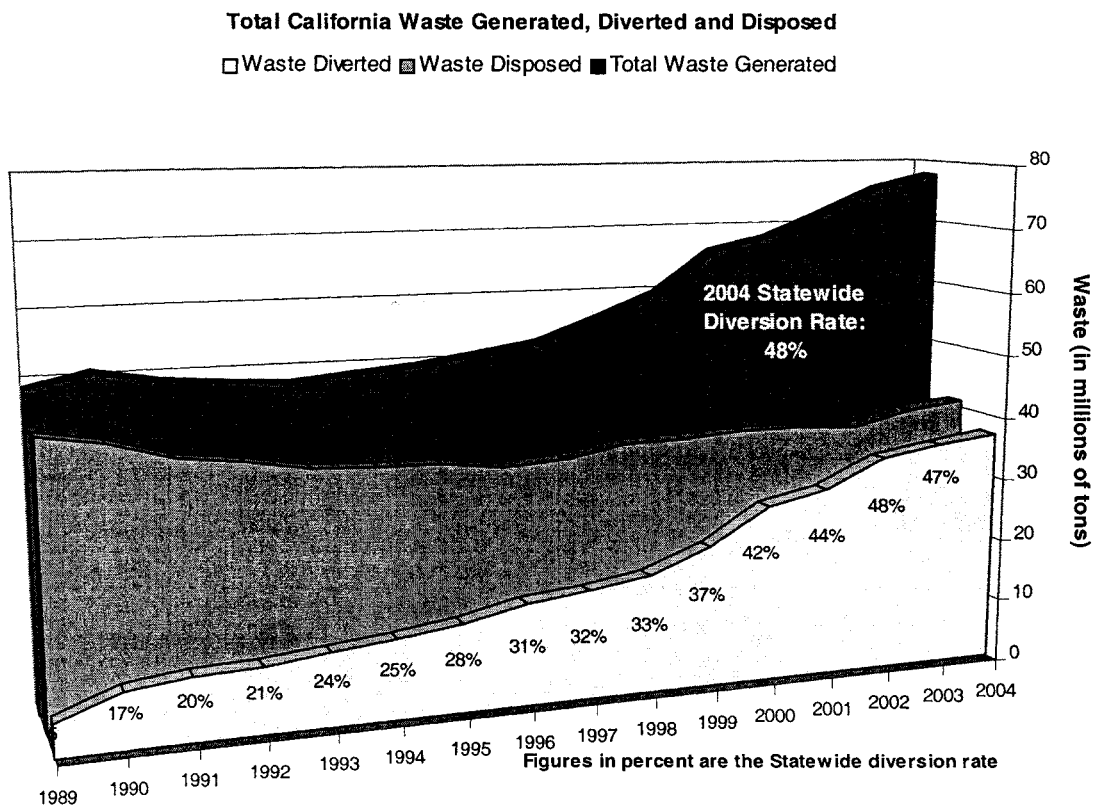
<sup>2</sup> California Integrated Waste Management Board. (14 April 2004). Nonresidential Disposal Rates. Retrieved August 12, 2004 from <http://www.ciwmb.ca.gov/LGCentral/Rates/Disposal/NonResid.htm>

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Jurisdictions in the SCAG region have varying success rates in meeting AB939's goals. Some are in compliance and others are having difficulties complying with the legislation. Action will be necessary for those jurisdictions in compliance to maintain compliance with an increasing population. The SCAG region is anticipating six million additional residents by 2030. The waste disposal requirements, combined with the requirements of the existing population in an increasing urbanized environment, will be significant. Even greater actions will be necessary for those jurisdictions not in compliance to eventually meet compliance.

### Waste Diversion

In 1990, only 10% of the waste generated statewide was diverted from landfills. In 2002, the diversion rate was 48% and estimates for 2003 report that 47% of wastes were diverted from landfills. In 2004, diversion again was 48%.



Source: <http://www.ciwmb.ca.gov/LGCentral/Rates/Graphs/TotalWaste.htm> accessed June 9, 2005

Jurisdictions in the SCAG region are having varying success in meeting these goals as they attempt to swiftly implement programs and policies to divert waste away from landfills. 62 jurisdictions in the region met or exceeded the 50% diversion mandate in 2002, while 106 jurisdictions did not meet this threshold as shown in the below table.

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<b>Jurisdictions in the SCAG Region in Compliance with AB 939, for 2003</b>			
<b>County</b>	<b>Percentage of Waste Diverted from Landfills</b>		
	<b>Less than 50%</b>	<b>50% or Greater</b>	<b>No Data</b>
Imperial	4	2	0
Los Angeles	45	25	6
Orange	18	15	0
Riverside	15	10	0
San Bernardino	19	4	2
Ventura	5	6	0
<b>SCAG Region</b>	<b>106</b>	<b>62</b>	<b>8</b>
Source: CIWMB. (2004). Countywide, regionwide, and statewide jurisdiction diversion progress report. Retrieved June 2, 2005, from <a href="http://www.ciwmb.ca.gov/LGTools/mars/jurdrsta.asp">http://www.ciwmb.ca.gov/LGTools/mars/jurdrsta.asp</a>			

### Solid Waste Disposal Composition

Organic matter and paper comprise more than 55% of the waste in California in 2003, a decrease from 65% in 1999. Construction and demolition materials increased from 11.6% of the waste in 1999 (4.3 million tons), to 21% in 2003 (8.7 million tons). All other categories of waste individually account for less than 10% of California's waste stream.

<b>California Overall Waste Stream Composition Data (1999, 2003)</b>		
<b>Type of Waste</b>	<b>Percentage</b>	
	<b>1999*</b>	<b>2003**</b>
Organic, Other than Paper	35.1%	30.2%
Paper	30.2%	21.0%
Construction/demolition	11.6%	21.7%
Plastics	8.9%	9.5%
Metal	6.1%	7.7%
Special waste (includes ash, sewage, industrial sludge, etc)	3.1%	5.1%
Glass	2.8%	2.3%
Mixed residue	1.8%	1.1%
Household hazardous waste	0.3%	0.2%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>
*Source: CIWMB: 1999 California Statewide Waste Disposal Characterization Study. Retrieved August 13, 2004, from <a href="http://www.ciwmb.ca.gov/WasteChar/Study1999/OverTabl.htm">http://www.ciwmb.ca.gov/WasteChar/Study1999/OverTabl.htm</a>		
**Source: CIWMB. 1999 California Statewide Waste Characterization Study. Retrieved June 9, 2005, from <a href="http://www.ciwmb.ca.gov/Publications/default.asp?pubid=1097">http://www.ciwmb.ca.gov/Publications/default.asp?pubid=1097</a>		

### Regional Landfill Capacity

Waste that is not diverted ends up in landfills. Landfills located in or near urban areas are rapidly approaching capacity. Urban landfill expansion and urban landfill creation is unpopular and often meets vociferous opposition.

Because of this opposition, the waste industry has sought new locations to deposit waste in remote parts of the SCAG region and in other states. One location in Riverside

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County, the Eagle Mountain Landfill, would have a capacity of 560 million cubic yards if permitted. An even larger landfill in the permitting process is in Imperial County. The Mesquite Regional Landfill would have a capacity of 970 million cubic yards. A third option would be to transport the waste by rail to a landfill in Utah. Fees associated with waste disposal could increase because of the increased cost to transport the waste to the landfill.

<b>Permitted Landfill Daily Throughput in the SCAG Region</b>	
<b>County</b>	<b>Daily Throughput (in tons)</b>
Imperial	2,114
Los Angeles	53,021
Orange	20,500
Riverside	19,452
San Bernardino	14,653
Ventura	4,500
<b>SCAG Region</b>	<b>114,240</b>
Source: CIWMB. (2003). Solid waste information system. Retrieved May 19, 2003, from <a href="http://www.ciwmb.ca.gov/swis/Search.asp">http://www.ciwmb.ca.gov/swis/Search.asp</a>	

The remaining capacity of 529.6 million cubic yards would last the region approximately 26 years if the region held constant to its 2002 waste disposal of 20.3 million tons. Permitting and opening planned landfills in Imperial County, north Los Angeles County and Riverside County would nearly quadruple the available capacity at the region's landfills to two billion cubic yards. SCAG forecasts that the region will add another 6 million people by 2030, generating additional waste.

<b>Remaining Capacity (In Cubic Yards) at Landfills in the SCAG Region</b>		
<b>County</b>	<b>Remaining Capacity (Cubic Yards)</b>	<b>Planned Additional Capacity (Cubic Yards)</b>
Imperial	8,460,468	970,000,000
Los Angeles	187,305,891	8,206,400
Orange	233,291,391	0
Riverside	48,033,915	559,693,680
San Bernardino	22,195,572	0
Ventura	30,270,129	0
<b>SCAG Region</b>	<b>529,557,376</b>	<b>1,537,900,080</b>
Source: California Integrated Waste Management Board. (2003). Solid waste information system. Retrieved June 6, 2005, from <a href="http://www.ciwmb.ca.gov/swis/Search.asp">http://www.ciwmb.ca.gov/swis/Search.asp</a>		

### Non-Disposal Solid Waste Facilities

There are non-disposal solid waste facilities in addition to landfills. Transfer stations, rail loading facilities, material recovery facilities, waste-to-energy facilities, and conversion technology facilities all handle waste. Some of these facilities are temporary holding centers until the waste is transported to landfills. Others look to recycle the waste or convert the waste-to-energy or other usable products, diverting the waste from landfills.



### Transfer Stations and Material Recovery Facilities

Transfer stations and material recovery facilities are interim steps in the process of hauling waste to landfills. Waste haulers bring the waste to these facilities and then the wastes are taken to final disposal sites. Some of these operations contain material recovery facilities that extract recyclable items from the waste before sending the remaining waste to landfills. There are over 70 active, permitted transfer/processing facilities in the SCAG region.

### Rail Loading Facilities for Waste Transfer by Rail

The large population and dense development in southern California leave few acceptable options for waste disposal near where the population is centered and the waste is generated. Both planned landfills in Riverside County and Imperial County are designed to accept waste-by-rail. In addition, other waste-by-rail facilities are located outside of the region, in places as far away as Utah.

### Waste-to-Energy Facilities

Although considered by the State of California to be "disposal facilities," waste-to-energy facilities take wastes that would otherwise be discarded into landfills and use them in a productive way to create energy. These facilities reduce the total amount of waste that is disposed in landfills and create products allowing for the conservation of other resources. Waste-to-energy facilities include:

- Biomass: Biomass energy is created when agricultural and forest residue, and/or organic waste is used to produce energy.
- Anaerobic Digestion: Anaerobic digestion is a biological process that produces a gas from organic wastes such as livestock manure, food processing waste, etc.
- Landfill Gas: Landfill gas power plants collect the gasses emitted by landfills and turn them into productive uses.
- Municipal Solid Waste: Municipal solid waste can be directly combusted in waste-to-energy facilities as a fuel with minimal processing, known as mass burn; it can undergo moderate to extensive processing before being directly combusted as refuse-derived fuel."<sup>3</sup>
- Waste Tire: Waste tire-to-energy facilities produce gypsum for agricultural use to make wallboard, fly ash (33% zinc) for animal feed and use as pigment, and bottom ash (70% iron oxide) to make cement, foundry, and road base.<sup>4</sup>

The California Integrated Waste Management Board provides Internet links to vendors and contractors of hydrolysis, gasification, anaerobic digestion, and other technologies with Internet web pages. Some of these vendors are located in California, with the rest in other states and countries. The conversion technology vendor links are available at <http://www.ciwmb.ca.gov/Organics/Conversion/Vendors/default.htm>

<sup>3</sup> California Energy Commission. (24 June 2002). Municipal Solid Waste Power Plants. Accessed November 16, 2004, from <http://www.energy.ca.gov/development/biomass/msw.html>.

<sup>4</sup> California Energy Commission. (24 June 2002). Waste Tire to Energy. Accessed November 16, 2004, from [http://www.energy.ca.gov/development/biomass/waste\\_tire.html](http://www.energy.ca.gov/development/biomass/waste_tire.html).

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Other Waste-to-Energy technologies such as distillation, gasification, hydrolysis, and pyrolysis convert post material recovery facilities for which there is no recycling market demand into high-value products such as energy, alternative fuels, and other industrial products. These processes divert wastes from landfills and produce energy and other products that can be used in place of consuming additional natural resources.

Often called conversion technologies, there is an effort in the California legislature to change the existing definition of conversion technology to include these technologies and provide diversion credits.

In the SCAG region, there are four waste-to-energy facilities that have been proposed.

<b>Planned Waste-to-Energy Facilities in the SCAG Region</b>		
<b>Facility</b>	<b>City</b>	<b>County</b>
Terameth Landfill Gas (Methanol Facility)	West Covina	Los Angeles
LA City Energy Recovery Project (Rsi)	Los Angeles	Los Angeles
International Environmental Solutions* (Pyrolysis Permits Pending)	Romoland	Riverside
Colmac Energy Project	Thermal	Riverside
Source: California Integrated Waste Management Board. (17 June 2004). Solid Waste Information System. Retrieved June 10, 2005, from <a href="http://www.ciwmb.ca.gov/SWIS/Search.asp">http://www.ciwmb.ca.gov/SWIS/Search.asp</a>		
*Source: site visit.		

### Transformation Facilities

Transformation facilities incinerate municipal solid waste at board-permitted transformation facilities to produce heat or energy. "Transformation" does not include composting or biomass conversion. There are only two active permitted transformation facilities in the SCAG region.

<b>Active Permitted Transformation Facilities in the SCAG Region</b>		
<b>Facility</b>	<b>City</b>	<b>County</b>
Commerce Refuse-To-Energy Facility	Commerce	Los Angeles
Southeast Resource Recovery Facility	Long Beach	Los Angeles
Source: California Integrated Waste Management Board. (17 June 2004). Solid Waste Information System. Retrieved December 8, 2004, from <a href="http://www.ciwmb.ca.gov/SWIS/Search.asp">http://www.ciwmb.ca.gov/SWIS/Search.asp</a>		

### Hazardous Waste Disposal

A wide range of businesses in southern California generate hazardous wastes, from printers and auto shops to oil refineries and electronics manufacturers. Households also produce hazardous wastes in order to protect the public's health and the environment. This section reports the amount of regional business and industry-generated hazardous waste and household universal hazardous waste. Universal waste refers to "fluorescent lamps, cathode ray tubes, instruments that contain mercury, batteries, and others."<sup>5</sup>

<sup>5</sup> California Integrated Waste Management Board. (27 Sept. 2004). Universal Waste. Retrieved December 7, 2004, from <http://www.ciwmb.ca.gov/WPIE/HazSub/UniWaste.htm>.

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#### Business and Industry-Generated Hazardous Waste

In 2003, the most recent data year available, businesses and industries in the SCAG region properly disposed of 1.3 million tons of hazardous wastes at appropriate facilities. Los Angeles County disposed of 75% of the hazardous waste.

<b>Hazardous Waste Disposed at specialized facilities 2003</b>		
<b>County</b>	<b>Hazardous Waste (In Tons)</b>	<b>Regional Percentage</b>
Imperial	72,956	5.60%
Los Angeles	971,253	74.95%
Orange	79,021	6.10%
Riverside	37,689	2.91%
San Bernardino	110,837	8.55%
Ventura	24,179	1.87%
<b>SCAG Region</b>	<b>1,295,935</b>	<b>100%*</b>
Source: California Department of Toxic Substances Control. Hazardous Waste Tracking System. Accessed June 7, 2005. <a href="http://hwts.dtsc.ca.gov/report_search.cfm?id=1">http://hwts.dtsc.ca.gov/report_search.cfm?id=1</a> *Errors due to rounding of decimal		

The five most prevalent types of hazardous waste disposed in the region account for 75% of all hazardous waste disposed in the region. Waste oil and mixed oil are the most disposed hazardous waste, followed by contaminated soils from site clean up, and other inorganic solid waste. The top five hazardous wastes disposed in the region are displayed in the following table.

<b>Top 5 Hazardous Wastes Disposed in the SCAG Region, 2003</b>		
<b>Waste Code Name</b>	<b>Waste Code</b>	<b>Tons Disposed</b>
Waste oil and mixed oil	221	341,066
Contaminated soils from site clean up	611	248,842
Other inorganic solid waste	181	199,988
Other organic solids	352	99,329
Asbestos-containing waste	151	78,020
Source: California Department of Toxic Substances Control. Hazardous Waste Tracking System. Accessed June 7, 2005. <a href="http://hwts.dtsc.ca.gov/report_search.cfm?id=1">http://hwts.dtsc.ca.gov/report_search.cfm?id=1</a>		

#### Household Hazardous Waste and Universal Waste

Household hazardous waste data is limited for the SCAG region. Data for household hazardous waste are only available for Los Angeles and Orange Counties. The data report the number of fluorescent lamps, batteries, and thermostats (Termed "universal waste") collected by these two counties during Fiscal Year 2000-2001. The Department of Toxic Substances Control has enacted a Universal Waste Rule governing the disposal of these types of waste.

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<b>Los Angeles County Household Universal Hazardous Waste Collected, Fiscal Year 2000-2001</b>			
<b>Hazardous Waste</b>	<b>Amount Collected</b>	<b>Handling Capacity</b>	<b>Total Handling Cost</b>
Fluorescent Lamps	2,584 lamps	Contracted	\$2,600
Batteries	41,585 lb	Contracted	\$51,000
Thermostats	450 lb commingled items	Contracted	\$80
Total			\$53,680
Source: California Integrated Waste Management Board. (2002, August). Household Universal Waste Generation in California.			

<b>Orange County Household Universal Hazardous Waste Collected, Fiscal Year 2000-2001</b>			
<b>Hazardous Waste</b>	<b>Amount Collected</b>	<b>Handling Capacity</b>	<b>Total Handling Cost</b>
Fluorescent Lamps	1,200 lamps	42,000 lamps	\$4,900
Batteries	6,800 lb	125,000 lb	\$8,000
Thermostats	500 thermostats	60,000 thermostats	\$1,900
Total			\$14,800
Source: California Integrated Waste Management Board. (2002, August). Household Universal Waste Generation in California.			

The handling costs for these hazardous wastes are low. The 2000-2001 fiscal year was the first year of the program to collect and properly dispose of these household hazardous wastes. The amount of wastes collected by this program is expected to increase dramatically by 2006. The costs of the program are estimated at \$20.7 million for Los Angeles County, \$3.7 million for Orange County, and \$262,000 for Imperial County. The other three counties in the SCAG region have not provided data for analysis.

### Electronic Waste

The Information Age has made computers and other electronic equipment commonplace in most businesses and many homes. As technological advancements continue at a rapid pace, faster, smaller, and more affordable units quickly replace older electronic equipment. Consumers often desire to dispose of the “obsolete” technology and replace it with the latest equipment. Electronic waste, or “e-waste,” is growing as part of the waste stream. Computers, televisions, VCRs, stereos, copiers, and fax machines are common electronic products included in e-waste. Many of these products can be reused, refurbished, or recycled. Residents and businesses need a place to properly dispose of the unwanted equipment. Jurisdictions and electronics companies have begun to develop programs to recycle these items and to dispose of them properly.

Proper management is key because some components are hazardous materials and need special handling. For instance, computer monitors and televisions have cathode ray tubes that include lead. Lead cannot be disposed of in standard landfills.

California enacted the Electronic Waste Recycling Act of 2003 to establish a funding system for the collection and recycling of certain electronic wastes. Key elements of the Electronic Waste Recycling Act of 2003 include:

- Reduction in hazardous substances used in certain electronic products sold in California.
- Collection of an electronic waste recycling fee at the point of sale of certain products.

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- Distribution of recovery and recycling payments to qualified entities covering the cost of electronic waste collection and recycling.
- Directive to establish environmentally preferred purchasing criteria for state agency purchases of certain electronic equipment.<sup>6</sup>

Some jurisdictions and electronics stores/manufacturers host hazardous waste drop off days to collect e-waste. Some companies will come to homes and businesses to collect the unwanted equipment and then reclaim and sell and recyclable material before properly disposing of the item. There are many options available to businesses and residents to properly dispose of unwanted computer and other electronic equipment.

### **Future waste system options**

Future waste system options will rely on a variety of disposal, diversion, and recycling options to accommodate expected waste.

#### Disposal

The Eagle Mountain Landfill and the Mesquite Regional Landfill will be the major available landfills to service the region in the future. Because these landfills are so far from the population that they service, transportation costs will increase.

#### Conversion Technology Facilities

Conversion technologies offer ways to reduce wastes and produce useful products. These types of processes will need to be explored and developed in an effort to keep up with the wastes that will be generated by a growing population.

#### Recycling

Recycling incentives and mandates will likely increase as waste transportation and disposal costs increase. New automobiles contain parts that are more easily recyclable.

### **Measurement/Indicators**

Reviewing the number of jurisdictions that have met the state-required 50% waste reduction is a good indicator of how the region is doing regarding limiting its solid waste. 115 out of 190 reporting jurisdictions in the SCAG region recycle less than 50% of their wastes. More than half of the reporting jurisdictions in the region are not reaching the 50% threshold, a threshold that was stipulated for the year 2000. While the region can be encouraged by the 75 jurisdictions that have met or exceeded the state-mandated threshold, more will need to be done by local jurisdictions to reduce or recycle the waste generated within the region. The alternative could be greater state mandates/regulations.

The amount of waste disposed in landfills that was generated in the SCAG region has decreased from 1990 to 2002 due to the required increased recycling efforts of AB 939. However, as the population has continued to rise, wastes disposed in landfills have crept higher toward the 1990 amount. Some wastes are being diverted from landfills but waste

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<sup>6</sup> California Integrated Waste Management Board. (6 Dec. 2004). Electronic Waste Recycling Act of 2003 (SB 20). Retrieved December 7, 2004, from <http://www.ciwmb.ca.gov/Electronics/Act2003/>.

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still is being generated at a large amount per person per day. Continued population growth could lead to continued growth in wastes that could overwhelm existing landfills.

#### Measurement/Indicators

- Per capita solid waste generation  
Is per capita solid waste generation decreasing? Continued reduction in solid waste generation/capita would provide a quantitative indicator of progress in reducing solid waste.
- Per capita hazardous waste generation  
Is per capita hazardous waste generation decreasing? Continued reduction in hazardous waste generation/capita would provide a quantitative indicator of progress in reducing hazardous waste.
- Per capita solid waste disposal  
Is per capita solid waste disposal decreasing? Along with the above generation indicator, this indicator is quantifiable and can indicate the amount of recycling/diversion that is occurring.
- Per capita hazardous waste disposal  
Is per capita hazardous waste disposal decreasing?
- Diversion rate  
Are the number of cities that have met the 50% diversion rate threshold increasing? For failing cities, is there a process to determine applicable solutions?

#### Analysis/Responsiveness to Growth Vision Principles

SCAG's Growth Vision provides four principles: mobility, livability, prosperity, and sustainability, on which to view future actions and development. The actions in each of the chapters of the Regional Comprehensive Plan help to implement the principles.

##### Mobility

- Coordinating land use and transportation would ensure that solid waste handlers could move solid and hazardous waste efficiently and safely to disposal sites.

##### Livability

- Fostering livability in all communities would require proper siting of solid waste facilities, including hazardous waste facilities.

##### Prosperity

- A regional solid waste policy would address environmental justice concerns.

##### Sustainability

- Preserving rural, agricultural, and environmentally sensitive areas would require a regional solid waste and hazardous waste disposal siting policy.
- Developing strategies to accommodate growth that use resources more efficiently would lead to reducing and recycling wastes.
- Utilizing "green" development techniques would lead to less waste from construction.

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